



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3540

Introduced 2/22/2021, by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-13.5 new

Amends the Election Code. Provides that the State Board of Elections shall work with election authorities and the disability community to develop and implement procedures and technologies to provide vote by mail ballots, upon request, in alternative formats that allow all voters to cast a secret, independent, and verifiable vote by mail ballot without the assistance of another person. Requires the procedures and technologies to include an accessible electronic ballot marking tool that enables voters to mark their ballots privately and independently. Requires that each election authority provide the option of a fully electronic ballot with both electronic marking and electronic return that allows voters having a disability to vote a secret ballot without assistance by January 1, 2023.

LRB102 13491 SMS 18838 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by adding Section  
5 19-13.5 as follows:

6 (10 ILCS 5/19-13.5 new)

7 Sec. 19-13.5. Accessibility of vote by mail ballots.

8 (a) As used in this Section, "electronic ballot marking  
9 tool" means a system that allows a voter to receive a blank  
10 ballot to mark electronically, print, and then cast by  
11 returning the printed ballot to the election authority.

12 (b) It is the intent of the General Assembly that voting by  
13 mail shall be fully accessible to all voters, including voters  
14 having a disability, pursuant to all applicable federal and  
15 State laws.

16 (c) The State Board of Elections shall work with election  
17 authorities and the disability community to develop and  
18 implement procedures and technologies to provide vote by mail  
19 ballots, upon request, in alternative formats that allow all  
20 voters to cast a secret, independent, and verifiable vote by  
21 mail ballot without the assistance of another person. These  
22 procedures and technologies shall include, but not be limited  
23 to, an accessible electronic ballot marking tool that enables

1 voters to mark their ballots privately and independently.

2 (d) The State Board of Elections and election authorities  
3 shall work to implement other methods for voters to return the  
4 ballot to the election authority when completed, including,  
5 but not limited to, secure email portals. These systems shall  
6 conform to the Illinois Information Technology Accessibility  
7 Act, Web Content Accessibility Guidelines (WCAG) 2.1AA, and  
8 the National Institute of Standards and Technology (NIST)  
9 report "Principles and guidelines for remote ballot marking  
10 systems", so long as the technology is consistent with  
11 industry standards.

12 (e) Each election authority shall provide the option of a  
13 fully electronic ballot with both electronic marking and  
14 electronic return that allows voters having a disability to  
15 vote a secret ballot without assistance by January 1, 2023.